

**REMARKS**

The Office Action dated February 19, 2009, has been reviewed carefully and the application has been amended in a sincere effort to place it in condition for allowance.

Claims 1 – 11, 13-15, 19-20, 22-26 are pending in the case.

Claims 22-26 have been added to better claim the invention. Claims 12, 16-18, and 21 have been cancelled herein, without prejudice.

***Applicant's Statement of the Substance of the Interview***

Pursuant to MPEP 713.04, Applicant hereby summarizes the substance of the telephonic Interview. First, Applicant respectfully thanks the Examiner and his Supervisory Examiner for granting the interview request.

Briefly, a telephonic interview was held between the undersigned, and Examiner Pham and Supervisory Examiner Truong on Friday, May 29, 2009. A subsequent telephone conversation by way of follow up was held between the undersigned and Examiner Pham on June 3, 2009. The Applicant's representative summarized the problem to be solved and outlined the environment of the invention. Then, the primary prior art reference, U.S. Patent No. 6,295,527 ("McCormack") was discussed. Specifically, the reference was discussed with respect to whether there was a teaching of "ranges" of criteria. The Applicant proposed claim amendments to clarify that applicant's ranges specify and high and low value, inclusive. It was further explained that the ranges include values between the high and low values whereas McCormack teaches Boolean searches using "OR" operations in the system.

In the follow up conversation, the Examiner suggested the following language to

be recited in independent Claims 1, 20 and 22:

“both of the primary grouping criteria and the secondary grouping criteria being ranges that extend between a selected high value and a selected low value, wherein said ranges are inclusive and include the high value, the low value and values therebetween wherein said values therebetween include all values that are less than the high value, but greater than the low value.”

Applicant has made such amendments herein to the independent Claims 1, 20 and 22 as well as to independent Claim 7 which relates to primary grouping criteria having ranges.

Additionally, during the Interview held on May 29, 2009, the Examiner withdrew the rejections based upon 35 U.S.C. §101.

***Claim Rejections - 35 U.S.C. §112***

At Paragraph 5 of the Office Action, Claim 20 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 20 has been amended to recite in part: “A computer readable storage medium embodying a profile group managing server having stored thereon and running profile group managing software for executing a method of managing a database by executing instructions for performing the steps comprising...”

This subject matter was described in the Specification at Page 5, beginning at line 20 which states: “The server 14 runs profile group managing software, which is denoted in the drawing by the reference numeral 20. The server 14 will sometimes be referred to

herein as the profile group manager.” From this, it is respectfully submitted that the server is a hardware device, namely a computer, that runs software for managing a database by executing instructions. The instructions include receiving computer profile data uploaded from the individual computers, and grouping the computers into a specified tree structure of groups, based on primary and/or secondary grouping criteria being ranges, as defined in the claims. It is respectfully submitted that these passages of the Specification which support the recitals of Claim 20 are described in such a way as to reasonably convey to one skilled in the relevant art, that the inventor(s), at the time the application was filed, had possession of the claimed invention and as such it is respectfully submitted that Claim 20 complies with the requirements of 35 U.S.C. §112, first paragraph.

***Claim Rejections - 35 U.S.C. §101***

As noted, the rejections under 35 U.S.C. §101 were withdrawn.

***Claim Rejections – 35 U.S.C. §103***

It is respectfully submitted that the claim amendments discussed in the Interviews overcome the rejections under 35 U.S.C. §103(a).

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please do not hesitate to contact the undersigned in order to advance the prosecution of the application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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